

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WEST VIRGINIA CELLULAR)	
TELEPHONE CORP. FOR CONFIDENTIAL)	CASE NO. 92-145
TREATMENT OF ITS 1991 ANNUAL REPORT)	

O R D E R

This matter arising upon petition of West Virginia Cellular Telephone Corp. ("West Virginia Cellular") filed March 31, 1992 for confidential protection of certain financial information contained its 1991 Annual Report on the grounds that disclosure of the information is likely to cause West Virginia Cellular competitive injury, and it appearing to this Commission as follows:

West Virginia Cellular has petitioned the Commission for confidential protection of the financial information contained in its income statement and analysis of operating expenses filed as part of its 1991 Annual Report. West Virginia Cellular maintains that this information reveals the revenues and expenses attributed to West Virginia Cellular's cell site in this state and would provide its competitors with an unfair business advantage.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that

section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected is presented by West Virginia Cellular in summary form and does not contain sufficient detail to have significant competitive value. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

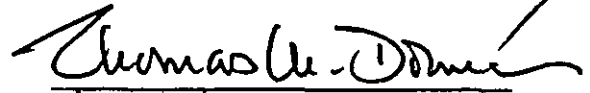
1. The petition for confidential protection of the financial information in the income statement and the analysis of operating expenses contained in West Virginia Cellular's 1991 Annual Report, which West Virginia Cellular has petitioned be withheld from public disclosure, be and is hereby denied.

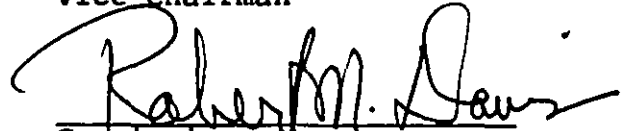
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 13th day of April, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director , Acting